



ATTORNEY'S DOCKET NO.: 2002834-0072 (Peanut Allergens CIP9)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Burks et al. Examiner: Huynh, P.  
Serial No.: 09/267,719 Art Unit: 1644  
Filed: March 11, 1999  
For: TERTIARY STRUCTURE OF PEANUT ALLERGEN ARA H 1

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Sir:

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**TRANSMITTAL LETTER**


Enclosed are the following documents:

1. Express Abandonment Under 37 C.F.R. § 1.138 (2 pages);
2. Return Postcard.

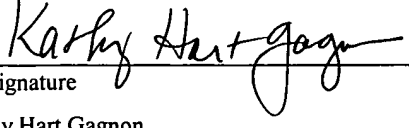
If any additional fees are required to be paid or if any overpayment has been made, please charge same to Deposit Account No. 03-1721.

Respectfully submitted,

Date: August 27, 2004

  
Brenda Herschbach Jarrell, Ph.D.  
Registration No. 39,223

PATENT DEPARTMENT  
Choate, Hall & Stewart  
Exchange Place  
53 State Street  
Boston, MA 02109  
Telephone: 617-248-5000  
Facsimile: 617-248-4000

Certificate of Mailing	
I certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450	
August 27, 2004	
Date	Signature
Kathy Hart Gagnon	
Typed or Printed Name of person signing certificate	



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August 27, 2004	<i>Kathy Hart Gagnon</i>
Date	Signature
Kathy Hart Gagnon	
Typed or Printed Name of person signing certificate	

Sir:

**EXPRESS ABANDONMENT UNDER 37 C.F.R. § 1.138**

I am an attorney or agent of record. In accordance with 37 C.F.R. § 1.138, I respectfully request that the above-identified application be expressly abandoned as of the filing date of this paper.

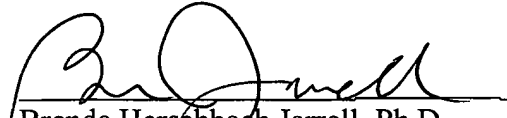
This case was revived on March 3, 2004 to add inadvertently omitted priority claims to U.S. Serial No. 60/122,450; U.S. Serial No. 60/122,452; U.S. Serial No. 60/122,560; and U.S. Serial No. 60/122,565, all filed on March 2, 1999. These priority claims were subsequently clarified in a petition to accept an unintentionally delayed priority claim that was filed on July 9, 2004 in co-pending U.S. Serial No. 10/100,303 (which is a continuation-in-part of this case).

An office action was mailed in the present case on June 3, 2004 with a response due date of September 3, 2004. This office action included a request for a substitute specification (see page 2). In view of the substantial expense that would be involved in reformatting the original specification into the required format and in view of the fact that pending claims 26-44 could be pursued in other related applications, Applicant has decided to abandon this application. This express abandonment **does not** represent any desire on the part of Applicant to abandon the subject matter of the application; Applicant reserves the right to pursue claims drawn to any of said subject matter in another application.

Should there be any questions after reviewing this paper, the Examiner is invited to contact the undersigned at (617) 248-5175. Additionally, please charge any further fees associated with this filing or apply any credits to our Deposit Account No. 03-1721.

Respectfully submitted,

Dated: August 27, 2003

  
Brenda Herschbach Jarrell, Ph.D.  
Reg. No.: 39,223

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